

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

EDWAN CORMAN REID

PETITIONER

VS.

CIVIL ACTION NO. 5:19-cv-137-KS-MTP

SHAWN R. GILLIS

RESPONDENT

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION
AND DISMISSING CASE WITH PREJUDICE, ETC.

This cause is before the Court on Petition of Edwan Corman Reid [1]. Said Petition is for writ of *habeas corpus*. The Respondent Shawn R. Gillis has responded [5] and Petitioner has replied [6]. The Report and Recommendation [8] of Magistrate Judge Michael T. Parker has been filed and is now before the Court. Petitioner Objected [9] to Report and Recommendation.

I. PROCEDURAL HISTORY

On September 11, 2008, Petitioner, an alien, was convicted of criminal impersonation. *See* [5-2] at 1. On May 10, 2011, Petitioner was convicted of the sale of a controlled substance. *Id.* One year later, Petitioner was again convicted of the sale of a controlled substance. *Id.* On April 12, 2014, following removal proceedings, an Immigration Judge issued a final order directing that Petitioner be removed from the United States to Jamaica. *Id.* On July 8, 2019, Petitioner was taken into Immigration and Customs Enforcement (“ICE”) custody. *Id.*

On December 9, 2019, Petitioner filed the instant Petition arguing that his extended detention in ICE custody is unlawful. Petitioner seeks release from immigration custody. On January 27, 2020, Respondent filed a Response [5] arguing that the Petition should be denied

because Petitioner has obstructed his deportation by failing to cooperate with officials and, thus, is not entitled to be released from ICE custody.

II. STANDARD OF REVIEW

When a party objects to a Report and Recommendation this Court is required to “make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). See also *Longmire v. Gust*, 921 F.2d 620, 623 (5th Cir. 1991) (Party is “entitled to a *de novo* review by an Article III Judge as to those issues to which an objection is made.”) Such review means that this Court will examine the entire record and will make an independent assessment of the law. The Court is not required, however, to reiterate the findings and conclusions of the Magistrate Judge. *Koetting v. Thompson*, 995 F.2d 37, 40 (5th Cir. 1993) nor need it consider objections that are frivolous, conclusive or general in nature. *Battle v. United States Parole Commission*, 834 F.2d 419, 421 (5th Cir. 1997). No factual objection is raised when a petitioner merely reurges arguments contained in the original petition. *Edmond v. Collins*, 8 F.3d 290, 293 (5th Cir. 1993).

III. PETITIONER’S OBJECTIONS AND ANALYSIS

Reid objects to the Report and Recommendation and states that he has made “exhaustible efforts” as far as his removal to Jamaica is concerned. ([9], pg. 1). Mr. Reid does not support his Objection with documentation and makes bald assertions on his attempt to cooperate. The Government has submitted as part of its Response [5], Exhibits A, B, and C (attachments to [5]). The exhibits are sworn statements of the actions that have occurred and the attempts that have been made to produce travel documents so that the Petitioner can be deported to Jamaica. It appears that Reid has failed to cooperate and that based on the evidence that is before this Court

that the factual findings made by Judge Parker in his Analysis that Reid is not entitled to a writ of *habeas corpus* and that Reid's continued detention is appropriate.

IV. CONCLUSION

As required by 28 U.S.C. §636(b)(1) this Court has conducted an independent review of the entire record and a *de novo* review of the matters raised by the objection. For the reasons set forth above, this Court concludes that Reid's Objection lacks merit and should be **overruled**. The Court further concludes that the proposed Report and Recommendation is an accurate statement of the facts and the correct analysis of the law in all regards. Therefore, the Court accepts, approves and adopts the Magistrate Judge's factual findings and legal conclusions contained in the Report and Recommendation.

Accordingly, it is ordered that United States Magistrate Judge Michael T. Parker's Report and Recommendation is accepted pursuant to 28 U.S.C. §636(b)(1) and that Edwan Corman Reid's claim is DISMISSED WITH PREJUDICE. .

SO ORDERED this the 7th day of August, 2020,

s/Keith Starrett
UNITED STATES DISTRICT JUDGE